# Executive Summary – Enforcement Matter – Case No. 43670 Aqua Utilities, Inc. RN101519668 Docket No. 2012-0480-MWD-E

# **Order Type:**

Findings Agreed Order

## **Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

## Media:

**MWD** 

## **Small Business:**

Yes

## Location(s) Where Violation(s) Occurred:

Brittmore WW Plant III, located approximately 0.75 mile southwest of the intersection of West Little Rock (Fisher) Road and Brittmore Road, Harris County

# **Type of Operation:**

Wastewater treatment plant

# **Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 20, 2012

Comments Received: No

# **Penalty Information**

**Total Penalty Assessed:** \$30,482

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

**Total Paid to General Revenue:** \$30,482

**Total Due to General Revenue: \$0** 

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

# **Compliance History Classifications:**

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

# Executive Summary – Enforcement Matter – Case No. 43670 Aqua Utilities, Inc. RN101519668 Docket No. 2012-0480-MWD-E

# **Investigation Information**

**Complaint Date(s):** N/A **Complaint Information**: N/A

Date(s) of Investigation: February 7, 2012 Date(s) of NOE(s): February 24, 2012

# Violation Information

Failed to comply with permitted effluent limits for *escherichia coli* and ammonia nitrogen [Texas Pollutant Discharge Elimination System Permit No. WQ0014117001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)].

# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of Permit No. WQ0014117001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

# **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

**TCEO SEP Coordinator**: N/A

Respondent: Robert Laughman, President, Aqua Utilities, Inc., 762 West Lancaster

Avenue, Bryn Mawr, Pennsylvania 19010

Nicholas Debenedictis, Director, Aqua Utilities, Inc., 762 West Lancaster Avenue, Bryn

Mawr, Pennsylvania 19010

**Respondent's Attorney:** N/A

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 27-Feb-2012 PCW 1-Mar-2012 Screening 27-Feb-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Agua Utilities, Inc. Reg. Ent. Ref. No. RN101519668 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43670 No. of Violations Docket No. 2012-0480-MWD-E Order Type Findings Media Program(s) Water Quality Government/Non-Profit No Multi-Media Enf. Coordinator Jorge Ibarra, P.E. EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section \$3,500 TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 37.0% Enhancement Subtotals 2, 3, & 7 \$1,295 Enhancement for one NOV with same/similar violations, one NOV with Notes dissimilar violations and six months of self-reported effluent violations. Culpability No Subtotal 4 0.0% Enhancement \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments **\$0** \$0 **Economic Benefit** 0.0% Enhancement\* Subtotal 6 Total EB Amounts \$544 Capped at the Total EB \$ Amount Approx. Cost of Compliance \$10,000 SUM OF SUBTOTALS 1-7 Final Subtotal \$4,795 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes

STATUTORY LIMIT ADJUSTMENT

PAYABLE PENALTY

Notes

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

DEFERRAL

Final Penalty Amount

Final Assessed Penalty

Reduction **Adjustment** 

0.0%

\$4,795

\$4,795

\$4,795

\$0

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Aqua Utilities, Inc.

Case ID No. 43670

Reg. Ent. Reference No. RN101519668

Media [Statute] Water Quality Enf. Coordinator Jorge Ibarra, P.E.

**Compliance History Worksheet** 

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	O	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
, kiekokiitiikki talatataa aaga aa aaga ka aa ka aa ka aa ka aa aa aa aa aa	Adjustment Per	centage (Sub	total 2)
peat Violator (	Subtotal 3)		
No	Adjustment Per	centage (Subt	total 3)
mpliance Histo	ry Person Classification (Subtotal 7)		
Average Pe	rformer Adjustment Pero	centage (Subt	total 7)
mpliance Histo	ory Summary		
Compliance History Notes	Enhancement for one NOV with same/similar violations, one NOV with dissimilar six months of self-reported effluent violations.	violations and	
	Total Adjustment Percentage (S		

PCW		Docket No. 2012-0480-MWD-E		ening Date		
n 2 (September 2002 <sub>)</sub> ision October 30, 2008			Aqua Utilities, Inc.	kespondent Case ID No.		
sion October 30, 2000	PCW REVISIO			ference No.	86886666886668666	Rea. I
				a [Statute]		•
			Jorge Ibarra, P.E.			
		renegousaus pronsument sunnapponant ann second	1	ation Number	Viol	
		scharge Elimination System ("TPDES") Permit No. 1, Limitations and Monitoring Requirements No. 1, 305.125(1) and Tex. Water Code § 26.121(a)	WQ0014117001, Efflu	Rule Cite(s)		
	t Violation	nitted effluent limits. See attached Effluent Limit Table.	Failed to comply with p	on Description	Violatio	
\$10,000	e Penalty	Base				
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		Percent 10%		Potential		UK.
		e Minor	Major Moder	I <b>tic Matrix</b> Falsification	gramma	>>Prog
		Percent 0%				
	nts which	een exposed to insignificant amounts of pollutar	or the environment ha	Human health	Matrix	
	rs.	ective of human health or environmental recepto	exceed levels that are pr	do not e	Notes	
		<u> </u>		L		
	\$9,000	Adjustment				
\$1,000						
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				is	uii Eveii	riviativ
	days	Number of violation o	Violation Events 1	Number of \		
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¢1.000	. D	Wieleties Beer	monthly	mark only one		
\$1,000	Penaity	Violation Base	quarterly <u>x</u> semiannual	with an x		
			annual			
			single event			
	011.	d for the quarter containing the month of July 20	terly event is recommen	One quar		
\$C		% Reduction	ply 0	orts to Com	aith Effo	Good Fa
		/ NOV to EDPRP/Settlement Offer	Before Extraordinary			
			Ordinary			
		(mark with x)	N/A <u>×</u>			
		ndent does not meet the good faith criteria for	Notes The Res			
		this violation.	Notes			
¢1 000	Subtotal	Violation				
\$1,000						
	Test	Statutory Limit	this violation	efit (EB) for	nic Bene	Econom
\$1,370	ity Total	\$544 Violation Final Pena	ed EB Amount	Estimate		
\$1,370	or limite)	olation Final Assessed Penalty (adjusted fo	This			
\$1,370	,, mints)	oncom i mai Assesseu Femalty (dujustea 10	11115			

	E	conomic	Benefit	Wo	rksneet		
Respondent	Aqua Utilities,	Inc.					
Case ID No.	43670						
ea. Ent. Reference No.	RN101519668						
Media	Water Quality					Percent Interest	Years of
Violation No.	1					reitent mierest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	ill i markitististist			0.00	\$0	n/a	\$0
Permit Costs	+40 999	1112011	2.4 2022	0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$10,000		1-Aug-2012	0.00 1.09	\$0 \$544	n/a n/a	\$0 \$544
Other (as needed)  Notes for DELAYED costs	Estimated co Date re	ost to develop and quired is the first	d implement pr date of non-co	0.00 1.09 ocedure mpliane	\$0 \$544 es to ensure comp ce, final date is the	n/a n/a liance with permit e e expected complian	\$0 \$544 ffluent limits. ice date.
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Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	Estimated co Date re	ost to develop and quired is the first	d implement pr date of non-co	0.00 1.09 ocedure mpliano enterir 0.00	\$0 \$544 es to ensure comp ce, final date is the ng item (except \$0	n/a n/a liance with permit e expected complian for one-time avoid	\$0 \$544 ffluent limits. ace date. ded costs)
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel	Estimated co Date re	ost to develop and quired is the first	d implement pr date of non-co	0.00 1.09 ocedure mpliand enterit 0.00 0.00	\$0 \$544 es to ensure comp ce, final date is the ng item (except \$0 \$0	n/a n/a liance with permit e e expected complian for one-time avoid \$0 \$0	\$0 \$544 ffluent limits. ace date. ded costs) \$0 \$0
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Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co Date re	ost to develop and quired is the first	d implement pr date of non-co	0.00 1.09 ocedure mpliano enterir 0.00 0.00 0.00	\$0 \$544 es to ensure comp ce, final date is the ng item (except \$0 \$0 \$0 \$0	n/a n/a liance with permit e e expected complian for one-time avoid \$0 \$0 \$0 \$0	\$0 \$544 ffluent limits. ice date. ded costs) \$0 \$0 \$0 \$0
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Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co Date re	ost to develop and quired is the first	d implement pr date of non-co	0.00 1.09 ocedure mpliand enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$544 es to ensure comp ce, final date is the mg item (except \$0 \$0 \$0 \$0 \$0	n/a n/a liance with permit e e expected complian for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$544 ffluent limits. nce date. ded costs) \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2012-0480-MWD-E	PCW
	Aqua Utilities, Inc.		Policy Revision 2 (September 2002)
Case ID No.	e de la companya de		PCW Revision October 30, 2008
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			J. C.
Violation Number			
Rule Cite(s)		nit No. WQ0014117001, Effluent Limitations and Monitor	ing
		o. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water	
		26.121(a)	
,	Failed to comply y	vith permitted effluent limits. See attached Effluent Limit	Violation
Violation Description	i duca to comply i	Table.	
		Basi	e Penalty \$10,000
	····		4.0000
>> Environmental, Proper	ty and Human		
Release	Major N	Harm Moderate Minor	-
OR Actual			
Potential		Percent 25%	Very comment
>>Programmatic Matrix Falsification	Major N	Moderate Minor	and the second s
raisincation	Major N	Percent 0%	en and and an and an and an
	H		300000
201010000010000001 M		nt has been exposed to significant amounts of pollutants re protective of human health or environmental receptors	
		Adjustment	\$7,500
		Aujustineit	\$7,500]
reverse			\$2,500
Violation Events			
Viciation Events			
Number of V	Violation Events	Number of violation of	days
	daily weekly		
nancana.	monthly		
mark only one with an x	quarterly	Violation Base	Penalty \$2,500
WICH all X	semiannual		***************************************
	annual		
	single event		PARTITION
	One monthly eve	nt is recommended for the month of August 2011.	
Good Faith Efforts to Com	T	0.0% Reduction	\$0
GUOG FAIGI EIIOIES IO COIII	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Sefore NOV NOV to EDPRP/Settlement Offer	\$U]
	Extraordinary		
	Ordinary		
	N/A	(mark with x)	·
	IT	e Respondent does not meet the good faith criteria for	пинин
	Notes	this violation.	
	<u>L</u>		
		Violation	Subtotal \$2,500
			- 1
Economic Benefit (EB) for	this violation	Statutory Limit	rest
Estimat	ed EB Amount	\$0 Violation Final Pena	ilty Total \$3,425
		This violation Final Assessed Donalty (additional for	er limite) 62.435
		This violation Final Assessed Penalty (adjusted fo	or limits) \$3,425

	E	conomic l	Benefit	Wo	rksheet		
Respondent				16001601601601			
Case ID No.							
ea. Ent. Reference No.		•					
	Water Quality						Years of
Violation No.	- /					Percent Interest	Depreciation
Fiolation ito:	_					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
ttem bescription	NO CONTRIBAS OF \$						
Delayed Costs							
Delayed Costs Equipment		γ <del>-</del>		1 0.00	\$0	\$0	\$0
Buildings			******	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Engineering/construction				0.00	\$0 \$0	\$0	\$0 \$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs			See economic	benefi	t for Violation No.	1.	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except	for one-time avoid	ied costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$ <u>0</u>	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		<b></b>		0.00	\$0	\$0	\$0
Other (as needed)		l L		0.00	\$0	\$0	\$0
<b>B</b>					**********************		Militari i i i i i i i i i i i i i i i i i i
Notes for AVOIDED costs							
Notes for AVOIDED costs							

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#### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 27-Feb-2012 PCW 1-Mar-2012 Screening 27-Feb-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Aqua Utilities, Inc. Reg. Ent. Ref. No. RN101519668 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43670 No. of Violations 2 Docket No. 2012-0480-MWD-E Order Type Findings Media Program(s) Water Quality Government/Non-Profit No Multi-Media Enf. Coordinator Jorge Ibarra, P.E. EC's Team | Enforcement Team 3 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$18,750 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 37.0% Enhancement \$6,937 Enhancement for one NOV with same/similar violations, one NOV with Notes dissimilar violations and six months of self-reported effluent violations. Subtotal 4 Culpability No 0.0% Enhancement \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments \$0 **Economic Benefit** 0.0% Enhancement\* Subtotal 6 \$0 Total EB Amounts \*Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$25,687 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$25,687

Final Assessed Penalty

Reduction Adjustment

0.0%

\$25,687

\$25,687

\$0

STATUTORY LIMIT ADJUSTMENT

Notes

**PAYABLE PENALTY** 

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

DEFERRAL

Docket No. 2012-0480-MWD-E

PCW

Respondent Aqua Utilities, Inc.

Case ID No. 43670

Reg. Ent. Reference No. RN101519668

Media [Statute] Water Quality

**Enf. Coordinator** Jorge Ibarra, P.E.

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

**Compliance History Worksheet** 

Component	Number of	Enter Number Here	Tajust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	O	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	T
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
epeat Violator ( No	······································	centage (Sub	ototal 3)
ompliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Per	centage (Sub	total 7)
ompliance Histo	ry Summary		
Compliance History Notes	Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, one NOV with dissimilar violations.	iolations and six	Secretaria de Antonio de Caracteria de Caracteria de Caracteria de Caracteria de Caracteria de Caracteria de C
	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)

Screening	Date 27-Feb-2012	Docket No. 2012-0480-MWD-E	PCW
	<b>ndent</b> Aqua Utilities, I		ion 3 (September 2011)
	<b>D No.</b> 43670	PCW I	Revision August 3, 2011
Reg. Ent. Reference			
	<pre>itute] Water Quality nator Jorge Ibarra, P.</pre>	E	
Violation N	handara di kananana da kanana da kan	ins .	
		Pollutant Discharge Elimination System ("TPDES") Permit No.	
Kuie		1), Effluent Limitations and Monitoring Requirements No. 1, 30 Tex.	
		nin, Code § 305.125(1) and Tex. Water Code § 26.121(a)	
Violation Desc	ription Falled to compl	y with permitted effluent limits. See attached Effluent Limit Violation Table.	
		1 DDI Car	
		Base Penalty	\$25,000
		\$ · · ·	
>> Environmental, P	roperty and Hum	an meaith Matrix Harm	
R	elease Major	Moderate Minor	
OR	Actual		
Pi	otential	Percent 30.0%	
>>Programmatic Ma	i <b>trix</b> ication Major	Moderate Minor	
rdibili	Cation Major	Percent 0.0%	
Legender			
		o evaluate ammonia nitrogen to determine whether the discharged	
A SIM	piilled model was used t its of nothitants exceeds	o evaluate animonia individual to determine whether the discharged id levels protective of human health or the environment. Escherichia	
matrix		sidered. As a result of these discharges, human health or the	
Notes enviro	onment has been expos	ed to significant amounts of pollutants which exceed levels that are	
	protectiv	e of human health or environmental receptors.	
L.			
		Adjustment \$17,500	
			\$7,500
		<u> </u>	
Violation Events			
Num	ber of Violation Events	2 61 Number of violation days	
	<b>I</b> daliv [		
	weekly		
	monthly	X:::::	
mark o		Violation Base Penalty	\$15,000
With	semiannual	100000000000000000000000000000000000000	
	annuai		
	single event		
possession			
T	wo monthly avents are	recommended for the months of October and November 2011.	
· · · · · · · · · · · · · · · · · · ·	MO MOUNTY SACING OLD	Scottivering of the more of ordered that the ordered	
A distriction of the control of the			
Good Faith Efforts to	· Comply	0.0% Reduction	\$0
		Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A	(mark with x)	
	Notes	The Respondent does not meet the good faith criteria for	
	140.603	this violation.	
	La	* # 5 - 5 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	615 000
· · · · · · · · · · · · · · · · · · ·		Violation Subtotal	\$15,000
Economic Benefit (El	A\ for this violatio	n Statutory Limit Test	
	-, . w aswinting	, m	
E	stimated EB Amount	\$0 Violation Final Penalty Total	\$20,550
		This violation Final Assessed Penalty (adjusted for limits)	\$20,550

	E	conomic I	Benefit	Wo	rksheet		
Respondent Case ID No.	43670						
teg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				3			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	<u>\$0</u>	<u>\$0</u>	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/construction				0.00	\$0	\$0	\$0 \$0
Land				0.00	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)			10000 10000 10000 1000	0.00	\$0	n/a	\$0
Notes for DELAYED costs		See economi	c benefic for vi	Olation	No. 1 on the acco	прануну гст.	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	**********	,	for one-time avoid	
Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	\$0	\$0	\$0
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel spection/Reporting/Sampling	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Ispection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Release Major Moderate Minor Percent 15.0%  Release Major Moderate Minor Percent 15.0%  Actual Potential Potential Percent 15.0%  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coli values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  **Adjustment** \$21,250**  **Adjustment** \$21,250**  **Adjustment** \$21,250**  **Adjustment** \$21,250**  **Indian Events**  **Number of Violation Events** \$1	PCW	The state of the s	Screening Da
SER. Reference No. RN101519688 Media (Statute) Water Qualty Eff. Coordinator Jorge Ibarra, P.E. Violation Number Rule Cite(s) Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a) Violation Description Failed to comply with permitted effluent limits. See attached Effluent Limit Violation Table.  Base Penalty \$25,000  A simplified model was used to evaluate ammonta nitrogen to determine whether the discharged ammonta of pollutants which do not exceed levels that are protective of human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250  \$3,750  **Sandard Base Penalty**  **Violation Base Penalty**  **Violation Base Penalty**  **One monthly event is recommended for the month of December 2011.  **December 100 Notes EDRRY/Settement Offer Extraordinary Works and Sandard Base Penalty**  **One monthly event is recommended for the month of December 2011.  **December 100 Notes EDRRY/Settement Offer Extraordinary Permitted Penalty Total**  **Time Respondent does not meet the good faith criteria for this violation Sandard Base Penalty Total**  **Violation Subtotal**  **Violation Fund Penalty Total**  **Sandard EB Amount**  **Sandard E			
Media   Statute   Water Quality   Enf. Coordinator Jorge   Borna, P.E.	vision August 3, 2011		
Fig. Coordinator Jorge Iberra, P.E.   Violation Number   Z			
TPDES Permit No. WQ0014137001, Eminert Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 905.125(1) and Tex. Woter Code § 26.122(a)	,	or Jorge Ibarra, P.E.	Enf. Coordina
Requirements No. 1, 30 Tex. Admin. Code 8 305,125(1) and Tex. Water Code 9 26.121(a)	•	with the state of	
Table.  Base Penalty \$25,000  nvironmental, Property and Human Health Matrix  Release Major Moderate Minor Actual Potential Potential Percent 15.0%  Ogrammatic Matrix, Faisfication Major Moderate Minor Faisfication Major Moderate Minor  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coil  Watrix Notes  Notes  Adjustment \$21,250  \$3,750  tton: Events  Number of Violation Events 1 31 Number of violation days  daily weekly week		Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code §	Rule Cite
Release Major Moderate Minor Percent 15.0%  Rogrammatic Matrix Falsification Major Moderate Minor Percent 0.0%  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coll values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  **Adjustment** \$21,250**  **Adjustment** \$21,250**  **Adjustment** \$21,250**  **India Events**  Number of Violation Events**  Number of Violation Events**  **Number of Violation Events**  **One monthly event is recommended for the month of December 2011.  **India Efforts to Comply**  One monthly event is recommended for the month of December 2011.  **India Efforts**  **One monthly event is recommended for the month of December 2011.  **India Efforts**  **One monthly event is recommended for the month of December 2011.  **India Efforts**  **One monthly event is recommended for the month of December 2011.  **India Efforts**  **Violation Base Penalty**  **One monthly event is recommended for the month of December 2011.  **India Efforts**  **Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Violation Final Penalty Total**  **Statutory Limit Test**  **Estimated EB Amount**  **Statutory Limit Test**			Violation Descript
Release Major Moderate Minor Percent 15.0%  Noderate Minor Percent 15.0%  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. colivalues were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250\$  \$3,750  tion Events  Number of Violation Events  Number of Violation Events  One monthly weekly we	\$25,000	Base Penalty	
Actual X Percent 15.0%  Potential Notes Falsification Major Moderate Minor Percent 0.0%  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coll values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  **Adjustment**  **S1,750**  **Adjustment**  **S21,250**  **Adjustment**  **S21,250**  **Adjustment**  **S21,250**  **Adjustment**  **S21,250**  **Adjustment**  **S21,250**  **S3,750**  **Ition Events**  **Number of Violation Events**  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **One monthly event is recommended for the month of December 2011.  **One monthly event is recommended for the month of December 2011.  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **Ition Events**  **One monthly event is recommended for the month of December 2011.  **Total Events**  **One monthly event is recommended for the month of December 2011.  **Total Events**  **One monthly event is recommended for the month of December 2011.  **Total Events**  **One monthly event is recommended for the month of December 2011.  **Total Events**  **One monthly event is recommended for the month of December 2011.  **Total Events**			ronmental, Pro
Potential Percent 15.0%  Ogrammatic Matrix Falsification Major Moderate Minor Percent 0.0%  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coil values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250  \$3,750  \$3,750  **Total Events**  Number of Violation Events 1 31 Number of violation days  **Total Events**  Number of Violation Events 1 31 Number of violation days  **Total Events**  One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRY/Settlement Offer Extraordinary Ordinary NoV NOV to EDPRY/Settlement Offer Extraordinary Nov NoV to EDPRY/Settlement Offer Extraordinary Nov NoV to EDPRY/Settlement Offer Total Extraordinary Nov NoV to EDPRY/Settlement Offer Setup S		se Major Moderate Minor	
Falsification Major Moderate Minor  Percent 0.0%  A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coll values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250  \$3,750  \$3,750  **Substance**  **Number of Violation Events**  Number of Violation Events**  Number of Violation Events**  **One mark only one with an x**  One monthly event is recommended for the month of December 2011.  Faith Efforts to Comply 0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary  Ordinary  NAX (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  **Statutory Limit Test**  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138			
A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. E. coil values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250  \$3,750  tion Events  Number of Violation Events 1 31 Number of violation days  daily weekly monthly with an x violation Events 1 31 Number of violation Base Penalty \$3,750  One monthly event is recommended for the month of December 2011.  Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRE/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation. Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138			
Matrix Notes  amounts of pollutants exceeded levels protective of human health or the environment, E., coll values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  **Adjustment**  \$21,250**  **Adjustment**  \$21,250**  **Say,750**  **Say,750**  **Tion Events**  Number of Violation Events**  **Number of Violation Events**  **In Matrix Number of Violation Events**  **Number of Violation Events**  **Number of Violation Events**  **Number of Violation Events**  **Number of Violation Events**  **Violation Base Penalty**  **Say,750**  **Say,750**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to Comply**  **One monthly event is recommended for the month of December 2011.  **Faith Efforts to C			i districati
Notes values were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250  \$3,750  tion Events  Number of Violation Events 1 31 Number of violation days  daily weekly monthly x quarterly semiannual annual single exent		d model was used to evaluate ammonia nitrogen to determine whether the discharged	A simplifi
been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  Adjustment \$21,250  \$3,750  ion Events  Number of Violation Events 1 31 Number of violation days  daily weekly wonthly a warterly semiannual annual single event 1 single event 1 work of the month of December 2011.  One monthly event is recommended for the month of December 2011.  Faith Efforts to Comply 0.0% Reduction solve Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  whice Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount 50 Violation Final Penalty Total \$5,138			MATRIY 8
Separation   Sep			
\$3,750  Number of Violation Events  Number of Violation Events		human health or environmental receptors.	
\$3,750  Number of Violation Events  Number of Violation Events		Adjustment ¢21.250	-
Number of Violation Events    Number of Violation Events   1		Fujustirem \$21/250	
Number of Violation Events 1 31 Number of violation days    daily	\$3,750		
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With an x   Quarterly semiannual annual single event   Semiannual annual annual single event   Semiannual annual annual single event   Semiannual annual annual single event   Semiannual annual annua			
Semiannual annual single event  One monthly event is recommended for the month of December 2011.  Faith Efforts to Comply  One monthly event is recommended for the month of December 2011.  Semiannual single event  One monthly event is recommended for the month of December 2011.  \$0  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A X ((mark with x))  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  mic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138	¢2.7E0	a Particular and the second se	mark only o
One monthly event is recommended for the month of December 2011.    Comply	\$3,750		with an x
One monthly event is recommended for the month of December 2011.    Comply			
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Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  mic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138			<u> </u>
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Ordinary  N/A  X  (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  mic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138			
Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  mic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138			
this violation.  Violation Subtotal \$3,750  mic Benefit (EB) for this violation  Estimated EB Amount \$0 Violation Final Penalty Total \$5,138		N/A X ((mark with x)	
mic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$0  Violation Final Penalty Total  \$5,138		NOTESI	
Estimated EB Amount \$0 Violation Final Penalty Total \$5,138	\$3,750	Violation Subtotal	
		or this violation Statutory Limit Test	ic Benefit (EB)
This violation Final Assessed Penalty (adjusted for limits) \$5.138	\$5,138	ated EB Amount \$0 Violation Final Penalty Total	Estir
	\$5,138	This violation Final Assessed Penalty (adjusted for limits)	

	RN101519668	<b>3</b>					
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u> </u>		0.00	\$0	n/a l	\$0
Notes for DELAYED costs							
Avoided Costs	ANNUAL			nterir		or one-time avoid	
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Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL			nterir 0.00 0.00 0.00	ng item (except 1 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			0.00 0.00 0.00 0.00	so so \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			0.00 0.00 0.00 0.00	so so \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
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# Aqua Utilities, Inc. Texas Pollutant Discharge Elimination System Permit No. WQ0014117001 RN101519668; DOCKET NO. 2012-0480-MWD-E; Case No. 43670

		EFFLUENT PA	RAMETER					
Permit Limit								
	E. coli Daily Average Concentration	E. coli Daily Maximum Concentration	NH3N Daily Average Concentration	NH3N Daily Average Loading	NH3N Daily Maximum Concentration			
Month/Year	63 CFU/100 ml	197 CFU/100 ml	2 mg/L	15 lb/d	10 mg/L			
July 2011	Ċ	361	С	c	С			
August 2011	С	1986	С	С	С			
October 2011	1365	2420	c	c	c			
November 2011	c .	С	16.56	63.81	24.42			
December 2011	c	1733	3.46	c	10.54			

ml = milliliters mg/L = milligrams per liter CFU = colony forming unit c = compliant lb/d = pounds per day Escherichia coli = E. coli ammonia nitrogen = NH3N

# Compliance History Report

CN602787509 Aqua Utilities, Inc. Customer/Respondent/Owner-Operator: Classification: Rating: 1.88 **AVERAGE** 

Regulated Entity: RN101519668 BRITTMORE WW PLANT III Classification: Site Rating: 0.28 **AVERAGE** 

WASTEWATER **PERMIT** WQ0014117001 ID Number(s): **WASTEWATER EPA ID** TX0119571

Location: Located approximately 0.75 mile southwest of the intersection of West Little Rock

(Fisher) Road and Brittmore Road in Harris County, Texas

TCEQ Region: **REGION 12 - HOUSTON** 

Date Compliance History Prepared: February 28, 2012

Agency Decision Requiring Compliance History: Enforcement Compliance Period: February 28, 2007 to February 28, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

## **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3. If YES, who is the current owner/operator? N/A

4. If YES, who was/were the prior owner(s)/operator(s)? N/A

5. If YES, when did the change(s) in owner or operator occur? N/A

Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Any criminal convictions of the state of Texas and the federal government. B.

C. Chronic excessive emissions events.

12

13

14

02/18/2008

03/17/2008

04/17/2008

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 03/22/2007 (631873)2 04/24/2007 (631874)3 05/22/2007 (631875)4 06/22/2007 (631876)5 07/20/2007 (631877)6 08/29/2007 (631878)7 09/24/2007 (631879)8 10/15/2007 (631881)9 11/12/2007 (631883)10 12/14/2007 (631885)11 01/17/2008 (631887)

> > (677412)

(677413)

(677414)

15	05/19/2008	(696127)
16	06/16/2008	(696128)
17	07/17/2008	(696129)
18	08/26/2008	(717772)
19	09/26/2008	(717773)
20	10/20/2008	(717774)
21	11/17/2008	(733093)
22	01/13/2009	(733094)
23	02/20/2009	(756266)
24	03/17/2009	(756267)
25	04/14/2009	(756268)
26	12/18/2008	(756269)
27	05/14/2009	(773238)
28	06/12/2009	(773239)
29	01/04/2010	(783496)
30	02/17/2010	(819856)
31	07/22/2009	(819857)
32	09/01/2009	(819858)
33	09/18/2009	(819859)
34	10/16/2009	(819860)
35	11/16/2009	(819861)
36	12/21/2009	(819862)
37	01/18/2010	(819863)
38	03/16/2010	(836208)
39	04/19/2010	(836209)
40	05/18/2010	(836210)
41	06/14/2010	(847913)
42	07/19/2010	(862326)
43	08/18/2010	(868943)
44 45	09/17/2010	(875795)
45 46	11/12/2010	(883374)
47	12/17/2010	(889767) (898134)
48	01/17/2010	(904036)
49	02/17/2011	(910914)
50	03/14/2011	(930638)
51	04/20/2011	(930639)
52	05/18/2011	(939895)
53	06/16/2011	(947303)
54	07/20/2011	(954566)
55	11/18/2011	(958163)
56	08/19/2011	(961149)
57	09/20/2011	(967240)
58	10/19/2011	(973202)
59	11/17/2011	(979338)
60	02/24/2012	(983898)
61	12/20/2011	(986167)
		` /

E.

9/30/2008 Date:

(717774)

CN602787509

Self Report?

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date 01/04/2010

(783496)

CN602787509

Self Report?

Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

Description:

Failure to properly operate the chlorine contact basin.

Self Report?

NO

30 TAC Chapter 305, SubChapter F 305.125(5)

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Minor

Minor

Minor

Moderate

Citation: Description:

Failure to properly operate the clarifiers.

Self Report?

NO

30 TAC Chapter 319, SubChapter A 319.11(d)

Citation: Description:

Failure to accurately measure to peak flow of the facility.

Date 07/31/2011

(961149)

CN602787509

Self Report? YES

Classification: Moderate

Citation:

Description:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

Date 08/31/2011

(967240)

CN602787509

Moderate

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 10/31/2011 Self Report? YES (979338)

CN602787509

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1)

Description:

Failure to meet the limit for one or more permit parameter

Self Report?

Date 11/18/2011

(958163)

30 TAC Chapter 317 317.4(a)(8)

CN602787509

NO

Classification:

Citation:

30 TAC Chapter 317 317.7(i)

NO

Failure to annually certify the backflow preventer.

Description: Self Report? Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations and Monitoring Req. PERMIT

Description:

Description:

Failure to maintain compliance with permitted effluent limits.

NO Self Report?

Classification:

Moderate

Moderate

Minor

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations and Monitoring Req. PERMIT

Self Report?

Failure to maintain compliance with permitted effluent limits.

Citation:

30 TAC Chapter 319, SubChapter A 319.5(a)

Description:

Self Report?

Failed to collect effluent grab samples in proper location.

Citation:

Classification:

Description:

30 TAC Chapter 305, SubChapter F 305,125(5) Failure to operate a functioning lift station alarm.

Classification:

Minor

Minor

Self Report? Citation:

NO

(986167)

Description:

30 TAC Chapter 305, SubChapter F 305.125(5) Failed to properly operate the chlorine contact basin.

Date 11/30/2011 Self Report?

CN602787509

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 12/31/2011

CN602787509

Self Report? YES

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

NI/Δ

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
AQUA UTILITIES, INC.	§	
RN101519668	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2012-0480-MWD-E

At its	agenda, the Texas Commission on Environmental Quality			
("the Commission" or "TCEQ	") considered this agreement of the parties, resolving an			
enforcement action regarding A	Aqua Utilities, Inc. ("the Respondent") under the authority of			
TEX. WATER CODE chs. 7 and 26.	The Executive Director of the TCEQ, through the Enforcement			
Division, and the Respondent presented this agreement to the Commission.				

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located approximately 0.75 mile southwest of the intersection of West Little Rock (Fisher) Road and Brittmore Road in Harris County, Texas (the "Facility").

- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. During a record review on February 7, 2012, TCEQ staff documented that the Respondent did not comply with permitted effluent limits as shown in the table below:

EFFLUENT PARAMETER								
Permit Limit								
	E. coli Daily Average Concentration	E. coli Daily Maximum Concentration	NH3N Daily Average Concentration	NH3N Daily Average Loading	NH3N Daily Maximum Concentration			
Month/Year	63 CFU/100 ml	197 CFU/100 ml	2 mg/L	15 lb/d	10 mg/L			
July 2011	С	361	С	С	С			
August 2011	c	1986	c	c	С			
October 2011	1365	2420	С	c	c			
November 2011	c	С	16.56	63.81	24.42			
December 2011	С	1733	3.46	С	10.54			

ml = milliliters mg/L = milligrams per liter CFU = colony forming unit c = compliant lb/d = pounds per day Escherichia coli = E. coli ammonia nitrogen = NH3N

4. The Respondent received notice of the violations on February 29, 2012.

## II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014117001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a).
- 3. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 4. An administrative penalty in the amount of Thirty Thousand Four Hundred Eighty-Two Dollars (\$30,482) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053. The Respondent has paid the Thirty Thousand Four Hundred Eighty-Two Dollar (\$30,482) administrative penalty.

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty Thousand Four Hundred Eighty-Two Dollars (\$30,482) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2012-0480-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. The Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of Permit No. WQ0014117001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

- 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 9. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Ī	For the Commission		
	Pan Sovi In	9/25/12	
Ī	For the Executive Director	Date	
]	I, the undersigned, have read and understand the Utilities, Inc. I am authorized to agree to the atta Inc., and do agree to the specified terms and con- in accepting payment for the penalty amount, is m	nched Agreed Order on behalf of Aqua Utili ditions. I further acknowledge that the TO	ities
1	I understand that by entering into this Agree procedural rights, including, but not limited to, the by this Agreed Order, notice of an evidentiary he the right to appeal. I agree to the terms of the AThis Agreed Order constitutes full and final adjudit forth in this Agreed Order.	ne right to formal notice of violations addre earing, the right to an evidentiary hearing, Agreed Order in lieu of an evidentiary hear	ssec and ring
•	<ul><li>additional penalties, and/or attorney fees,</li><li>Increased penalties in any future enforcem</li></ul>	may result in: as submitted; eneral's Office for contempt, injunctive re or to a collection agency; nent actions; ral's Office of any future enforcement actions; y law.	elief ions
	Signature Jaugh	Date / 2012	
	ROBERT VAUGHMAN  Name (Printed or typed)  Authorized Representative of  Aqua Utilities, Inc.	PRESIDENT Title	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.